

Applicant : Ronald P. Knockeart et al.  
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Attorney Docket 09650-005008 / 2003P11514US

### REMARKS

Below, the applicant's comments are preceded by related remarks of the examiner set forth in small bold type.

**3. Claims 22 and 24-26 are rejected under 35 USC 102(e) as being anticipated by Nimura et al.**

Nimura et al teaches the claimed method and structure for detecting when a vehicle deviates from a planned route including: position estimation (2 in Fig. 2 and S101 in Fig. 27), route storage (3, 41, and 43), vehicle motion sensor (24-26), sensing distance (26), and off-route detector (S106 in Fig. 27).

**4. Claims 22 and 24-26 are rejected under 35 USC 102(e) as being anticipated by Jones.**

Jones teaches the claimed method and structure for detecting when a vehicle deviates from a planned route including: position estimation (85 in Fig. 6 and 18 in Fig. 2), route storage (30a in Fig. 3), vehicle motion sensor (18), sensing distance (col. 15, lines 1-12 and col. 16, line 59 – col. 17, line 2.), and off-route detector (91, 93, col. 13, line 61 – col. 14, line 4 and col. 14, lines 29-41).

The applicant recognizes that the two references cited by the examiner may generally disclose approaches for off-route detection. However, the references, neither alone nor in combination, disclose or suggest the claimed approach. The office action fails to specifically identify how these references meet all the limitations of the claims.

The applicant recognizes that Nimura discloses an off-route detection approach in which “the distance from the present position to the set route is determined, and route deviation is decided at S106 depending upon whether or not the determined distance exceeds a predetermined value” (col. 12: 57-60). However, Nimura does not describe or suggest the particular method being claimed. For example, Nimura does not disclose or suggest “tracking a first estimated position of the vehicle using signals from a positioning system that are received at the vehicle; [and] tracking a second estimated position of the vehicle using an estimate of a distance traveled and the planned route,” and “detecting that the vehicle has deviated from the

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planned route when the first estimated position and the second estimated position differ by at least a tolerance distance," as recited in claim 22.

Nimura discloses determining "the distance from the present position to the set route," and deciding route deviation "depending upon whether or not the determined distance exceeds a predetermined value" (col. 12:59-62). That is, Nimura detects route deviation when "the determined distance [from the present position to the set route] exceeds a predetermined value." If the office action is associating Nimura's "present position" with the recited "first estimated position," then Nimura fails to disclose or suggest tracking the "second estimated position" as recited in the claim. The office action appears to propose associating "the second estimated position" with some point on Nimura's set route so that the difference between the "first estimated position and the second estimated position" correspond to Nimura's "distance from the present position to the set route." However, even with such an association, Nimura does not disclose or suggest that that point be determined using the recited approach that includes "determining the second estimated position according to a position on the planned route at the estimated distance on the path following the first point " as required by the claim.

Nimura may disclose having a capability of sensing a distance traveled (see col. 4, lines 3-5: "a distance sensor 26 for detecting the distance traveled such as from the number of revolutions of the wheels"), but does not disclose or suggest that such a sensed distance be used to determine a position at such a distance along the planned route.

Jones (U.S. 6,363,323) does not anticipate or make obvious claim 22 for the same reasons presented above with respect to Nimura. Jones may disclose a deviation indicator that "indicates how far the vehicle 17 has deviated from the route defined by the vehicle schedule 39a (col. 14:2-4)," but Jones does not disclose or suggest tracking an estimated position of a vehicle including "determining the second estimated position according to a position along the planned route at the estimated distance on the path following the first point."

Furthermore, Jones (U.S. 6,363,323) is not prior art to the present application. The applicant notes that the present application is a divisional of an application that was filed on August 19, 1998. The material in Jones that the examiner is pointing to for rejecting claim 22

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does not appear to be disclosed in the priority documents filed before August 19, 1998, the earliest filing date of the current application.

Jones (U.S. 6,363,323), which was filed on September 14, 1999, is a continuation-in-part of a parent application no. 09/163,588, filed on September 30, 1998, which is a continuation-in-part of a (a) grandparent application no. 08/852,119, filed on May 6, 1997, and issued as U.S. patent no. 6,748,318. Application no. 08/852,119 claims priority to (b) provisional application no. 60/039,925, filed on March 10, 1997. Application no. 08/852,119 is also a continuation-in-part of (c) application no. 08/434,049, filed on May 2, 1995, (d) application no. 08/432,898, filed May 2, 1995, and (e) application no. 08/432,666, filed May 2, 1995. Documents (c), (d), and (e) are each a continuation-in-part of (f) application no. 08/407,319, filed March 20, 1995, which is a continuation-in-part of (g) application no. 08/063,533, filed May 18, 1993 (now U.S. patent no. 5,400,020).

The applicant has reviewed the priority documents (a)-(e) and (g) filed before August 19, 1998 (the earliest filing date of the current application) and does not find that any discloses the "deviation indicator" (col. 14:1-4) in Jones (U.S. 6,363,323) that the examiner is pointing to for rejecting claim 22. If the Examiner still regards claim 22 as being anticipated by application (f) or another of the priority applications, the applicant requests that the Examiner point out the particular priority document that anticipates claim 22.

For the reasons above, claim 22 is patentable.

Claims 25 and 26 are patentable for at least the same reasons as claim 22. The other pending dependent claims are patentable for at least the same reasons as the claims on which they depend.

The fact that the applicant has not made additional comments does not imply that there are not other good reasons for the patentability of the pending claims and additional claims.

Enclosed is a Petition for One Month Extension of Time. Please apply the required fee of \$110 to deposit account 06-1050, referencing attorney docket 09650-005008.

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Respectfully submitted,

Date: 6/29/2004

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\*See attached document certifying that Rex Huang has limited recognition to practice before the U.S. Patent and Trademark Office under 37 CFR § 10.9(b).

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UNITED STATES PATENT AND TRADEMARK OFFICE**

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**Expires: January 1, 2005**



Harry I. Moatz  
Director of Enrollment and Discipline